

**E.L. Haynes Public Charter School  
Administrative Office  
Josephine Butler Parks Center  
2437 15th Street, NW  
Washington, DC 20009  
Phone: (202) 667-4446  
Fax: (202) 667-8811**

**NOTICE: REQUEST FOR PROVIDING FOOD PREPARATION SERVICES**

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX) (A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide meals for breakfast (approximately 35 elementary school students) and lunch (approximately 138 elementary school students). The meals must meet or exceed federal nutrition requirements and all compliance standards of the USDA School Breakfast Program and the National School Lunch Program (NSLP). Vendors will be required to deliver meals to the school.

Interested bidders will state their credentials, provide appropriate licenses and sample menus made in accordance with federal nutritional and serving requirements. All proposals must include a cost estimate.

Additional information can be obtained by calling 202-667-4446 or e-mailing [info@elhaynes.org](mailto:info@elhaynes.org) and referencing Food Services. Full proposals are due at the above address by Friday, June 11, 2004 at 5 PM.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH**NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR Part 51.61, D.C. Code §1.1506, and 20 DCMR §206, the Air Quality Division (AQD) of the Environmental Health Administration located at 51 N Street, N.E., Washington, DC intends to issue a permit to construct/operate the following emission units:

- 1) One gas-fired boiler and a hot water heater at 2035 F Street, NW.
- 2) Eight gas-fired packaged units, a gas-fired hot water heater, and a space heater/furnace at the GWU Club, 1918 F Street, NW.
- 3) One gas-fired hot water heater at Monroe Hall, 2115 G Street, NW.
- 4) One oil-fired boiler at JBKO Hall, 2222 Eye Street, NW.
- 5) An oil-fired emergency generator at the University Parking Garage, 2211 H Street, NW and an oil-fired emergency generator at Tompkins Hall, 723 23rd Street, NW.
- 6) Three gas-fired boilers at Townhouse Row, 607 23rd Street, NW.
- 7) Two gas-fired boilers, four gas-fired hot water heaters, and an oil-fired emergency generator at the Square 43 Residence Hall, 616 23rd Street, NW.
- 8) One Steam or hot water boiler at 2140 Pennsylvania Avenue, NW.

All emission units, including the space heater have less than 5 MMBTU/hr of heat input and are located on the property of the George Washington University in the District of Columbia.

The applications and the proposed permit for the construction/operation of the fuel-burning equipment are available for public inspection at AQD offices and copies may be obtained between the hours of 8:00 am and 4:45 pm Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any to John C. Nwoke, at (202) 724-7778.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Environmental Health Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after June 28, 2004 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact John C. Nwoke at (202) 724-7778.

**D. C. DEPARTMENT OF HUMAN SERVICES**  
**NOTICE TO ANNOUNCE THE ISSUANCE OF A GRANT APPLICATION**

The Director of the Department of Human Services (DHS) pursuant to the requirements of Title IV B. Subpart 2 of the Social Security Act as amended, hereby gives notice of the intent to announce the issuance of a Request for Applications (RFA) and the availability of federal grant funds under the Social Services Block Grant. Applications are being solicited from qualified accredited or certified non-profit home care agencies based in and primarily servicing target communities in the District of Columbia to provide home care services for clients active in adult or child protective services or "at risk" of neglect or abuse. Home care activities will include:

- Respite services
- Supportive homemaker services
- Teaching homemaker services
- Planned, temporary overnight services
- Emergency caretaker homemaker services (also temporary)
- Intake and assessment services
- Case management services
- Heavy-duty cleaning

A grant award of approximately \$492,980 will be available for FY '05. A grant will be awarded to one or more responsive and qualified applicants.

Interested applicants may obtain RFA packages for this grant between the hours of 9:00 a.m. and 4:00 p.m., beginning Wednesday, June 2, 2004, at the following location:

Family Services Administration  
2146 24<sup>th</sup> Place N. E.  
Washington, D. C. 20032  
Attention: Barbara Strother, Chief of Adult Protective Services  
Telephone No: 202-541-3957

Applications also can be accessed through the Internet at [www.opgd.dc.gov](http://www.opgd.dc.gov) (click on the District Clearinghouse link).

A pre-application conference will be held on June 9, 2004, from 10:00 a.m. to 11:00 a.m. at the above address in the second-floor conference room. Applications must be submitted to the located specified in the RFA no later than 4:45 p.m. on Friday, July 2, 2004. Please address any questions to Barbara Strother.

DEPARTMENT OF MENTAL HEALTH

PUBLIC NOTICE OF FUNDING AVAILABILITY (NOFA)

RFA # 04 - DMH

The District of Columbia, Office of the Director of the Department of Mental Health (DMH), announces the availability of DMH funds from the United States Congressional Appropriation for Foster Care Improvements in the District of Columbia from which grants will be issued.

Qualified organizations are invited to submit applications for the following Grant:

**Intensive Home and Community Based Services**

The target populations for the purpose of the NOFA are youth served by the District of Columbia's Child and Family Services Agency who are in foster care and meet the eligibility criteria outlined in **Section E** of this RFA.

One award will be made for a period of one year; with the expectation that the successful grantee will obtain Medicaid reimbursement for these services in subsequent years.

The Request of Applications (RFA) are now available and may be picked up at the reception desk of the following office Monday through Friday between 9am and 4pm:

Department of Mental Health  
64 New York Avenue, NE  
Fourth Floor  
Washington, DC 20002

The deadline for submission of applications is 4:30 p.m. June 20, 2004. **Late or incomplete applications will not be forwarded for review.** Applications should be addressed to:

Evette Jackson  
Project Manager  
Department of Mental Health  
64 New York Avenue  
Washington, DC 20002  
202-724-7106  
ejackson@cfsa-dc.org

**Public Notice of Funding Availability (NOFA)**

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The Request of Applications (RFA) are now available and may be picked up at the reception desk of the following office Monday through Friday between 9am and 4pm:

Department of Mental Health  
64 New York Avenue, NE  
Fourth Floor  
Washington, DC 20002

The deadline for submission of applications is 4:30 p.m. June 21, 2004. **Late or incomplete applications will not be forwarded for review.** Applications should be addressed to:

Evette Jackson  
Project Manager  
Department of Mental Health  
64 New York Avenue  
Washington, DC 20002  
202-724-7106  
ejackson@cfhsa-dc.org

## NOTICE

### Pre-Application Conference

**Applicants interested in applying for this grant, MUST ATTEND the scheduled pre-application conference.**

**When: June 3, 2004**

**Where: 64 New York Avenue, NE  
5<sup>th</sup> Floor Training Room**

**Time: 1pm to 3pm**

**Contact Person: Evette Jackson  
Department of Mental Health  
64 New York Avenue, NE  
Washington, DC 20002  
202-671-7106**

**Persons and/or organizations planning to attend should RSVP via e-mail to [ejackson@cfsa-dc.org](mailto:ejackson@cfsa-dc.org) not later than June 1, 2004. Not more than two representatives per agency please. Questions are encouraged and may be submitted via e-mail in advance of the pre-bidders conference to [ejackson@cfsa-dc.org](mailto:ejackson@cfsa-dc.org).**

**REQUEST FOR APPLICATIONS (RFA): #04  
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF MENTAL HEALTH**

**INTENSIVE HOME AND COMMUNITY BASED SERVICES**

**A. Name of Grant:** Intensive in-Home and Community Based Services (IHCBS).

**B. Authority for the Grant**

The Director of the District of Columbia Department of Mental Health (DMH) has the authority to make grants pursuant to the "Department of Mental Health Establishment Act of 2001, D.C. Law 14-56". Title 29 DCMR governs such grants, under Chapter 44 titled "Mental Health Grants" published in the D.C. Register as final rule on August 27, 1993.

**C. Summary of Grant Notice**

The Child and Family Services Agency (CFSA) and the District of Columbia Department of Mental Health (DMH) are partners in a joint effort to identify potential providers who can deliver and have an interest in delivering Intensive In-Home & Community Based Services to children, adolescents and their families who are involved with CFSA and who meet the eligibility criteria. DMH anticipates that, within the next three months, it will enter into joint cooperative agreements with a local provider/s who possess specific qualifications outlined in this RFA.

IHCBS is an intensive service designed for children and youth with serious emotional/behavioral disorders and multiple service needs who require access to an array of mental health services and supports.

IHCBS are provided in the home and community where the child lives and functions and are designed to prevent out-of-home placements, and to reunify and transition youth home from more restrictive placements. IHCBS is provided by a team of professionals that are available 24 hours a day, 7 days a week. IHCBS are family-focused and the family unit is considered the focus of treatment. Services are provided within the context of the family, culture, and community of the youth. IHCBS support a strengths-based approach, emphasizing parent and professional partnerships, linkage to natural supports, and collaboration with other agencies and child-serving systems providing services to the youth and/or family (e.g., schools, juvenile justice, child welfare, mental retardation and developmental disabilities and others). IHCBS are time-limited with the program length of stay matched to the presenting mental health needs of youth and family and the specific guidelines for the program model utilized.

DMH anticipates awarding one-year Service Enhancement/Capacity-Building grants utilizing a portion of a \$3,900,000 United States Congressional Appropriation for Foster Care Improvements in the District of Columbia. The ongoing nature of these funds is not certain; therefore, CFSA and DMH have adopted a strategy to assure that the IHCBS described in this RFA and supported through these grant funds can be sustained beyond the grant period. It is envisioned and expected that grantee/s must currently be or become certified as a Core Service Agency, Sub-Provider or Specialty Provider through the DMH certification process. To sustain the IHCBS model described in this RFA beyond the grant period, the successful grantee/s shall accept Medicaid reimbursement through the DMH's Mental Health Rehabilitation Services (MHRS) option to assure the continuation of the services after year one. Therefore, certification is required within six months of the grant award, with the capability to begin billing for Medicaid for these services in the last quarter of the grant period.

The ideal provider/s selected will be capable of providing quality, culturally competent, home and community-based mental health services and supports, which are responsive to the strengths and needs of children, adolescents and families involved in the child welfare system.

#### **D. Background and Need**

Over the last two decades, there has been a sixty percent increase in the number of children entering the foster care system nationally (Barbell, 1997). The emerging research suggests that the increase is due to several factors, including the growing number of neglect cases resulting from parental drug and alcohol abuse and to the impact of poverty, homelessness, AIDS and domestic violence on at-risk families. Many of these factors, such as poverty and homelessness, are also risk factors for mental health problems in children and families, and, of course, abuse and neglect place children at very high risk for emotional disorders. Results of studies profiling the mental health status of children involved in child welfare indicate that children in foster care are three to ten times more likely to have a mental health problem than children on AFDC. For example, they are more likely to suffer from depression, anxiety disorder, ADHD, conduct disorder, bipolar disorder, and oppositional defiant disorder (Harman, J. et.al. 2000). Often, the trauma of separation and multiple placements and transitions once children are involved in child welfare aggravate mental health problems in children and families.

An effective response to the mental health needs of children and families involved in child welfare requires a strategy that will bring, on-line quickly, qualified provider/s capable of providing a range of evidence-based and promising services and supports needed by children, adolescents and families in the child welfare system that promote safety, stability, permanency and well being. To achieve this objective, CFSA and DMH are collaborating to support and identify local provider/s with the capabilities and skills to respond to the unique needs of children and families in the child welfare system.



The IHCSB provider/s selected must adhere to the standards established for this service, have the clinical staff trained in the Intensive In-Home & Community-Based Service approach by a trainer designated by DMH and enter into an ongoing consultative relationship with this trainer, and incorporate quality monitoring indicators. In other words, there are certain training and infrastructure costs associated with implementation of IHCBS over and beyond the direct service costs. DMH and CFSA intend to fund these infrastructure costs in the first year of developing a local, DC based, IHCBS provider. The local provider/s selected for this grant funding must agree to continue providing IHCBS services beyond the initial development year, and DMH expects that the service costs will be largely covered by Medicaid. Thus, it is essential that the selected provider/s become certified Mental Health Rehabilitation Services providers through the DMH process within 6 months of the grant award with the capability to begin billing Medicaid for these services in the last quarter of the grant period.

#### **E. Scope of Work**

##### **Eligible CFSA Populations to Be Served**

IHCBS shall be provided to: CFSA youth living with their custodial (natural, adoptive, foster, kin) families or with families who have made a long term commitment to the youth for the purpose of preventing out-of-home placement or disruption of the youth's living situation; or youth residing in an out-of-home placement, but transitioning back to their families or another permanent home (natural, adoptive, foster, kin) within thirty days. IHCBS are provided to youth with serious mental or emotional disorders and members of their families when the youth:

- 1) Meets Severely Emotionally Disturbed (SED) criteria established by the District of Columbia Department of Mental Health; AND
- 2) Meets one of the following criteria (as documented in the client record):
  - Is at risk for out-of-home placement; or
  - Has returned or is just returning from an out-of-home placement; or
  - Is at risk to his/her own safety and/or the safety of others<sup>1</sup>; or
  - Has had one or more placement disruptions in the past 12 months.

A youth consumer is defined as a youth under the age of 21 and his or her family. IHCBS services may be delivered to transitional age youth (18-21) who are still living at home with their families and are still involved in other child serving systems including schools, juvenile courts, and MRDD.

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<sup>1</sup> Does not include youth who are actively homicidal or suicidal, but rather a youth's behaviors that create safety issues.

**Capacity:**

The successful grantee/s must have the capacity to operate at least one IHCBS team. An IHCBS team consists of 1 clinical supervisor who is a qualified practitioner as defined in the MHRS standards and 3-5 masters' level or highly competent bachelor's level clinicians who meet DMH/CFSA credentialing requirements. Each team member will maintain a caseload 8 but not more than 10 families with average length of stay of four to six months in the program.

**Referral process:**

All IHCBS referrals will originate with/from DMH ACCESS staff that will receive their referrals from the CFSA Office of Clinical Practice (OCP) Behavioral Services Unit (BSU) who will coordinate and jointly screen all referrals that meet criteria with the IHCBS Supervisor. Referrals shall be accepted by the successful grantee/s, as capacity permits.

**Staff training and education requirements and organizational structure:**

Initial and ongoing training and consultation from highly skilled IHCBS trainers are critical to maintaining the compliance with the IHCBS standards. DMH/CFSA plan to underwrite the cost of this training and consultation in the first year. The successful grantee/s IHCBS program staff will be trained by a highly trained IHCBS trainer designated by DMH. The cost of this training during year one will be covered by DMH with appropriation funds. This training will include both pre-service and ongoing in-service training and consultation. The level and intensity of the supervision, consultation and training will be pre-negotiated with the external consultative IHCBS team.

The overall training and development standards for IHCBS will include:

- Assessment of initial training needs of all new IHCBS personnel within 30 days of hire.
- Individualized training plans for each IHCBS personnel.
- Core IHCBS training on the following core areas, completed within six months of hire:
  - 1) Family Systems
  - 2) Risk Assessment and Crisis Stabilization
  - 3) Parent skills and supports for SED children
  - 4) Cultural competency (Special populations)
  - 5) Intersystem collaboration: Knowledge of other systems; system advocacy; roles and responsibilities of other child serving entities
  - 6) IHCBS service philosophy (principles of care)
  - 7) Differential diagnosis with special needs youth

- Ongoing semi-annual trainings specific to identified training needs of IHCBS providers and team.
- Each IHCBS supervisor will receive training specific to IHCBS and the supervision of IHCBS programs.

*The successful grantee/s must have a demonstrated commitment to and experience with incorporating training and quality monitoring into its program operations.*

**IHCBS Staff Qualifications:**

1. The IHCBS supervisor shall meet MHRS requirements as a qualified practitioner (as defined under the CBI or Community Support DC MHRS standard) and should be experienced in providing individual, group, marital or family counseling or psychotherapy. They will have at least three years post-degree experience working with the behaviorally challenged youth and their families in community-based settings.
2. IHCBS clinicians shall at a minimum meet the MHRS requirements as qualified and/or credentialed staff utilizing CBI and Community Support for guidance. All IHCBS supervisors and clinicians shall be assigned to the IHCBS program on a full-time basis.
3. To the extent possible, the IHCBS supervisor and team members shall reflect the racial, cultural and ethnic diversity of the children involved in CFSA.

*The successful grantee/s must have demonstrated experience in employing clinical supervisory and direct care staff who work in community-based settings.*

**Case staffing and supervisory ratio:**

1. Deliver IHCBS services to at least 12 to 15 families each year for each full-time team member.
2. Maintain a supervisory/direct service staff ratio of no more than one, full-time clinical supervisor to 3-5 IHCBS team members where each team consists of three full-time team members.
3. Assign a preferred caseload of 4 to 6 but not more than 8 families to each IHCBS team member. Services are time-limited, with the program length of stay matched to the presenting mental health needs of youth and family. IHCBS programs average 4 months length of stay. Programs must have clearly written guidelines for granting extensions and procedures for utilization review of each individual provider. Services are delivered in the home, school, court and community. The final two to three weeks may involve less intensive contact to monitor the maintenance of therapeutic gains.

4. Have IHCBS team members who are accessible and available to each family they serve and are able to respond to family crisis at all times, including face-to-face response as needed.
5. Regularly scheduled weekly team meetings involving all IHCBS staff, including the IHCBS supervisor, for the purpose of reviewing individual case progress, and consulting on caseworker/client manager plans, action steps and activities needed on IHCBS cases. Emphasis shall be on the IHCBS clinical supervision of all active cases and on developing outcome-focused weekly plans to achieve client/family goals.
6. Consult at a minimum of once monthly with the assigned department worker for the purpose of case reviews, program compliance, training and other department issues.

**The IHCBS requires a service planning process that has the ability to:**

1. Meet MHRS requirements for the Individualized Plan of Care (IPC) and the Individual Service Specific Plan (ISSP).
2. Identify the multiple determinants of anti-social behavior and emotional disturbances for each case.
3. Identify and document the strengths and needs of the adolescent, family, and the extra-familial systems (example, peers, school, neighborhood, etc.) and shall develop assessments within the social, racial and ethnic context of the youth and family.
4. In collaboration with family members, identify and document problems throughout the family and extra-familial systems (example, peers, school, neighborhood, etc.) that are explicitly targeted for change.
5. Require IHCBS therapists to write a service plan with each family. This plan will incorporate the desired outcomes of the key participants/stakeholders involved in the family's treatment (e.g. parents, probation, social services, school personnel, etc.). This plan shall be sent to the referring agency caseworker/client manager within five days from the time of referral to IHCBS. The treatment plan will identify family/client strengths, help the client/family define specific goals, provide instruction in ways to prevent the recurrence of behaviorally challenged behavior and other family conflict, and set up resources and skills to maintain ongoing progress.
6. Have the IHCBS supervisor review and approve all service plans.

*The successful grantee/s must have demonstrated experience in implementing individualized, strengths-based, culturally competent service planning processes for adolescents and their families.*

**IHCBS Service Types:****The types of services and interventions incorporated in the IHCBS model include:**

The IHCBS include assessment, care management, therapy, education, and training for families, and services to improve a family's coping skills, as well as linkage to natural helpers and supports in the community

*The successful grantee/s must have demonstrated experience providing the types of services and interventions incorporated in the IHCBS model and success in working in a coordinated fashion with CFSA and/or DMH. In addition, successful grantee/s must have relationships established with non traditional community resources such as some or all of the Neighborhood Collaboratives.*

**Quality assurance:**

1. Yearly evaluations of workers to assess knowledge of and compliance with, IHCBS philosophy and intervention strategies.
2. Participation in quality assurance evaluation activities as designated by the agencies. Activities include, but are not limited to group meetings, site visitations, audiotaped reviews of direct sessions, and peer review of policies and procedures.

*The successful grantee/s will show a commitment to and demonstrate experience in incorporating quality improvement processes into their program operations.*

**G. Records maintenance and reporting:****The Successful grantee shall:**

1. Maintain a case record for each case accepted consistent with MHRS standards. This record shall include, but is not limited to, the following:
  - a) Family referral sheet.
  - b) Date of initial request for service.
  - c) Results of the strength and needs assessment.
  - d) Service plan.
  - e) Goal attainment summary.
  - f) Family's response.
  - g) Ongoing progress reports, at least monthly, detailing:
    - Specific interventions used and outcomes.
    - Notation of every contact (IHCBS treatment logs) to include date, time and duration of contact.
    - Placement status determination, including date.
    - Termination summary.
  - h) Other material as may be specified by the referring agency/department.

2. Meet MHRS requirements for IPC and ISSP.
3. Adhere to DMH reporting requirements and be HIPAA compliant.
4. Collect, maintain and report to the agency, on a quarterly basis, information documenting progress towards achieving the outcome objectives cited in F. **Outcome Objectives below.**
5. Allow DMH and CFSA representatives' full access to all case files and administrative records for the purpose of monitoring the grant.

*The successful grantee/s will have demonstrated experience in developing and maintaining record keeping and reporting systems that support integrated, coordinated provision of care and productive exchange of information with referral agencies.*

**F. Outcome Objectives:**

1. Within the first month, the successful grantee will enter into a consultative agreement with the IHCBS trainer designated by DMH/CFSA for technical assistance in IHCBS program start-up.
2. Within the second month, the grantee will hire all necessary supervisory and direct care staff to support one IHCBS team.
3. Within the third month, all IHCBS staff will be trained by the IHCBS trainer designated by DMH/CFSA.
4. Within the third month, the grantee will have all record-keeping and reporting systems in place and relationships established with the referring CSA, CFSA and DMH.
5. Within the third month, the grantee will have a contract in place with the trainer designated by CFSA/DMH for the provision of ongoing training and consultation to IHCBS staff and supervisors.
6. By the fourth month, the grantee will begin to accept referrals from CFSA/DMH of youth eligible for IHCBS.
7. The successful grantee shall provide IHCBS services to a total of 12 to 15 youth and their families per team member during the first eighteen months of the grant period.
8. A pre-negotiated percentage of all youth and families who are accepted into the successful grantee's IHCBS Program will successfully complete the program.
9. A pre-negotiated percentage of the youth released from the successful grantee's IHCBS Program shall not be placed out-of-home within a year of program completion.
10. Evidence of positive educational/vocational involvement will be pre-negotiated with the successful grantee.

For the purpose of increasing the quality of the service, providers will be required to monitor both fidelity to the IHCBS Program Standards and submit the information to DMH and/or CFSA or their designee. Monitoring of IHCBS services will be, in part, based on the outcomes over time of that program. Programs will be asked to collect outcomes at regular intervals (intake, every 6 months while open, discharge, and 6 months following discharge).

The following are the proposed outcomes that will be required for tracking:

- Percentage of placements/permanency;
- School functioning;
- No new reports of abuse and neglect;
- Improved emotional & behavioral functioning; and
- Family satisfaction.

The IHCBS proposed standards are summarized below:

**1. Intensity of Service**

**Minimum standard:** The minimum allowable intensity for IHCBS is 2 contacts per week of face-to-face contact, with 3 hours of total service per week per family. Face-to-face contacts are defined as IHCBS provided in the home, school, and community, working directly with the consumer and family, or on behalf of the youth that benefits them as specified on the treatment plan. Total service time may include indirect service as long as the criteria of two weekly face-to-face contacts are met.

**2. Location of Service**

**Minimum standard:** The minimum standard for location of service is 75% of direct service time is delivered in the home, school, court and community.

**3. Caseload:**

**Minimum standard:** The maximum caseload, shall average 4 to 6, over any six-month period sampled, with caseload not to exceed 8 at any point in time. at any point in time. The additional caseload allowance allows flexibility for providers to take new cases while transitioning families who are ready for discharge. Caseload is defined as the individual cases open or assigned to each FTE IHCBS staff.

**4. Crisis Availability**

**Minimum Standard:** IHCBS programs have crisis availability and ability to respond by phone and/or face-to-face if necessary, 24 hours a day/7 days a week. Contract crisis services may be utilized as long as the IHCBS provider/s is reachable to the contract agency and is availability to the family as needed.

**5. Safety Planning**

**Minimum Standard:** Include safety planning and safety monitoring. Each family receiving IHBCS services shall be assessed for risk and safety issues and shall have a jointly completed safety plan that is available to the family and is instructive of steps to take in the event of a crisis. The minimum acceptable standard is evidence of safety plans and safety monitoring in a minimum of 90% of cases surveyed.

**6. Family Involvement.**

**Minimum standard:** Be strength-based and family-driven, with the youth and family regarded as equal partners in all aspects of service delivery, as evidenced in a minimum of 90% of cases surveyed in the plan of care.

**7. Supervisory Support****Minimum standard:**

1. Have a minimum of 2 hours of clinical supervision per week by master's level professional with two years experience with SED youth.
2. Supervisory support is available to the IHCBS provider and team 24 hours a day/7 days a week. Supervisor has a designated responsibility to the IHCBS team.

**8. Professional Training and Development****Minimum standard:**

- Assessment of initial training needs of all new IHCBS personnel within 30 days of hire.
- Individualized training plans for each IHCBS personnel.
- Core IHCBS training on the following core areas, completed within six months of hire:
  - 1) Family Systems
  - 2) Risk Assessment and Crisis Stabilization
  - 3) Parent skills and supports for SED children
  - 4) Cultural competency )
  - 5) Intersystem collaboration: Knowledge of other systems; system advocacy; roles and responsibilities of other child serving entities
  - 6) IHCBS service philosophy (principles of care)
  - 7) Differential diagnosis with special needs youth.
- Ongoing semi-annual trainings specific to identified training needs of IHCBS providers and team.
- Each IHCBS supervisor will receive training specific to IHCBS and the supervision of IHCBS programs.

**9. Collaboration and Coordination of Services:**

**Minimum standard:** Demonstrate collaboration and coordination of services in a minimum of 75% of cases surveyed based on documentation of collaborative contracts with the referral source and/or other child-serving entities as identified in the treatment plan (school, courts, etc.) For the purpose of this standard, attempts to collaborate with the appropriate documentation

**10. Cultural Competency:** Provider demonstrates service provision that is culturally, ethnically, racially, and linguistically appropriate and that respects and builds on the strengths of the child/family's race/culture/ethnicity, as measured by family and youth satisfaction.



**10. Accessibility:** Be flexible and individually tailored to meet the needs of the youth and family. IHCBS programs have written policies encouraging flexible scheduling and delivery of service. Appointments are made at a time that is convenient to the family, including evenings and weekends if necessary.

#### **G. Typical Cost – Funding**

It is anticipated that the cost<sup>2</sup> of this program will reflect the national averages for Intensive In-Home & Community Support Services as described in this RFA..

#### **H. Term of Grant Services**

The period for this grant will be one year from the grant award date.

#### **I. Payments to Grantee**

At the time of the award, a payment equal to twenty-five (25%) of the approved grant award will be made to the successful grantee/s to cover the cost of start-up activities related to these services. Subsequent payment will be made on a quarterly basis tied to the completion of specific milestones that will be pre-negotiated with the successful grantee/s.

#### **J. The Grantee/s Organization – Qualification Requirements**

Organizations planning to respond to this RFA **must attend** an informational meeting scheduled for **June 3<sup>rd</sup>, at 1pm at 64 New York Avenue, NE in the 5<sup>th</sup> Floor Training Room**, as a pre-condition before submitting an RFA package.

#### **Comprehensiveness:**

- 1. Description of the organizations overall approach to providing this service. (Limit 4 pages)**
- 2. Demonstrated familiarity with the principles and practices embodied in a strength-based system of care approach for emotionally and behaviorally challenged children and their families. (Limit to 1 page)**
- 3. Demonstrates a commitment to concentrate services and supports geographical area of the District of Columbia and surrounding counties where the highest percentage of children, adolescents and families involved in or at risk for involvement in child welfare reside. (Limit 1 page)**

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<sup>2</sup>This costs include, staffing, overhead, initial and ongoing supervision, consultation and training for IHCBS.

4. Demonstrates a commitment and willingness to recruit qualified personnel that reflects the ethnic, racial and cultural backgrounds of the youth and family served. **(Limit 1 page)**

**Experience:**

1. Demonstrated commitment to and experience with incorporating training and quality monitoring into its program operations. Must have expertise with quality monitoring systems to track data and case activity in a format that is utilized by clinical staff and supervisors to improve service delivery. **(Limit 2 pages)**

2. Demonstrated experience in employing clinical supervisory and direct care staff who works in community based settings. Must have an effective clinical infrastructure that provides close supervision of staff and oversight of services provided to children and their families. **(Limit 2 pages)**

3. Demonstrated experience in implementing individualized, strengths-based, culturally competent service planning processes for children, adolescents and their families. **(Limit 2 pages)**

4. Demonstrated experience providing the types of services and interventions incorporated in the IHCBS model and success in working in a coordinated fashion with funding, governmental and/or regulatory agencies. **(Limit 1 page)**

5. Demonstrate a commitment to and demonstrated experience in incorporating quality improvement processes into their program operations. **(Limit 2 pages)**

6. Demonstrate experience in developing and maintaining record keeping and reporting systems that support integrated, coordinated provision of care and productive exchange of information with referral agencies. **(Limit 2 pages)**

7. Demonstrate knowledge of and work experience with the target population and their families identified in this RFA. **(Limit to 1 page.)**

8. Demonstrate effectiveness of treatment interventions supported by performance outcomes for the population targeted for the services identified in this NOFA. **(Limit 1 page)**

**Resources:**

1. Demonstrates the ability to attract and secure grant, foundation or in-kind matching funds<sup>3</sup> equivalent to 10% of the total grant award. **(Limit 1 page)**
2. Demonstrate linkages to and collaboration with non-traditional community and/or neighborhood-based resources such as y relationships with Neighborhood Collaboratives. **(Limit 1 page)**
3. Demonstrates current DMH certification as a MHRS provider or the ability to become certified by the District of Columbia Department of Mental Health as a MHRS provider within six months from the date of the grant agreement. **(Limit 1 page)**
4. Completion of the Budget form and narrative. **(Attachment C)**

**Timeliness:**

1. Demonstrate ability to start-up and implement this service within four months after grant is awarded. **(Limit 1 page)**

**J. Format and Content of Qualifications**

All submissions and materials must be typewritten, font size 12, and each page numbered. Submit the materials in response to this RFA on single-sided, single-spaced. Submit one original and four copies of the required materials. Organizations interested in responding to this RFA must submit the following information, for original and all copies, in the order specified below:

1. Submit a cover letter on agency letterhead. **(Limit 2 pages)**
2. Completion of the CFSA-DMH-NOFA cover sheet. **(Attachment A)**
3. A brief summary of the organization qualifications to provide the services described in this RFA. **(Limit 1 page).**
4. Responds to each of the questions listed in the Comprehensiveness, Experience, Resources and Timeliness categories of "Grantee Organization Qualifications" in Section I above.
5. In addition to responding to the items in Section I above, providers must submit the following with their qualifications:
  - A copy of the articles of incorporation with the District of Columbia or other jurisdiction or other independent proof of the start date of your organization. For non-profit organizations, copies of the IRS letters indicating their tax-exempt status (501(C) 3 letters) will suffice.
  - A list of organizations (not more than 3) for which the contractor has provided similar or identical services for the past three years, including a current contact name address, a phone number of each organization. Please provide a statement

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<sup>3</sup> Federal funds shall be used for the 10% match requirement.

from the organization that addresses your performance for those contract/s listed on the required form. (Attachment B)

- A current balance sheet for the organization (current within the last 3 months) which clearly indicates the organization's cash flow and assets.
- A copy of the last independent audit performed for the organization, including any findings or recommendations made by the auditors and a report from the provider indicating any follow-up to those findings or recommendations to date.
- The resumes and professional qualifications of three professional staff responsible for start-up and implementation of this project and critical to the organizations performance for the scope of work detailed in this RFA.  
(Resumes must be limited to 2 pages each).
- A statement attesting to compliance with each of the following:
  1. Wage, hour, workplace safety and other standards of labor law;
  2. Adequacy of liability insurance or ability to obtain required insurance if selected for an award;
  3. Disclosure of information about pending lawsuits or investigations, and judgments, indictments, or convictions against your organization, its partners, directors, officers, managers or staff; and
  4. Federal and District equal employment opportunity law.
  5. Agreement to contract with an IHCBS trainer selected by DMH.

#### **K. Evaluation and Selection Criteria/Scoring Points**

##### **Comprehensiveness**

**20**

1. To what extent does the respondent/s present qualifications indicating their abilities to provide a comprehensive, integrated holistic approach to fulfilling the scope of work? The respondent provides evidence that they understand the work to be done, is familiar with the literature on IHCBS and is capable and eager to assist DMH and CFSA in improving mental services to children and families in foster care. Soundness of respondents' approach to work as described in this RFA.

##### **Experience (10 points per questions)**

**50**

1. To what extent does the provider demonstrate experience (past and current) settings other than treatment facilities or provider offices?
2. To what extent does the provider demonstrate the incorporation of the principles and practices of a culturally competent system of care approach in their existing service delivery?
3. To what extent does the provider demonstrate experience in quality monitoring systems for tracking performance and improving services; this includes an effective clinical infrastructure in place?
4. To what extent does the provider have the ability to track and document outcomes based upon performance?
5. To what extent does the provider demonstrate an ability to engage families in the treatment process that resides in urban settings?

**Resources (10 points for each question)****40**

1. Budget is reasonable and is consistent with the operational costs typical of IHCBS services.
2. To what extent does the respondent demonstrate organizational capacity and financial stability to start-up and implement grant-based services?
3. To what extent does the respondent demonstrate an on-going commitment to sustain these services utilizing Medicaid funding available through DMH as a certified MHRS certified provider?
4. To what extent does the respondent have linkages with non-traditional community and/or neighborhood-based resources, such as the Neighborhood Collaboratives?

**Timeliness****10**

1. To what extent has the provider provided a timetable or schedule of how they will start-up and implementation activities related to actual service delivery?

**L. Selection Process**

RFAs will be scored according to the evaluation criteria listed above. The results of the evaluation for each RFA submitted will be classified into one of four categories below:

<b>Ranking Classification</b>	<b>Point Range</b>
Most Qualified	120 – 100 points
Very Qualified	99 - 80
Qualified	79 - 65
Minimally Qualified	64 and below

When the proposals are received, a panel of DMH and CFSA staff will review the proposals and rank the respondents based upon the information submitted using the criteria in this RFA. The grantee/s will be selected from among the provider/s that scores in the "Most Qualified" point range category<sup>4</sup>. The DMH and CFSA panel or the DMH Director may then interview providers ranking in the "most qualified" category in order to gain additional information and to determine how each respondent handles questions relevant to the performance of the services detailed in this RFA to select the grantee/s. DMH reserves the right to request additional information and verification of any statements contained in the respondent's application. The DMH may recommend that all responses to the NOFA be rejected.

<sup>4</sup> DMH may elect to select a grantee from the "Very Qualified" category if none of the applicants score in the "Most Qualified" range.

The selection process will be completed within 20<sup>5</sup> days or less, and result in a recommendation to the DMH Director for an award or a recommendation that no awards be made. When the Director makes an award, DMH and the grantee/s will enter into a written Grant Agreement. The Grant Agreement will provide for disbursement of grant funds in accordance with a schedule. The Grant Agreement will be subject to the Mental Health Grant Regulations. The Director may choose NOT to make an award.

Within 15 days after a written Grant Agreement is signed, the grantee shall begin the start-up activities in support of providing the services detailed in this grant award.

**NOTE:** DMH will utilize the providers ranking in the "Most Qualified" category, who are not selected through this NOFA process, for the development of future IHCBS programs for other behaviorally challenged populations meeting the program eligibility criteria served by other District agencies.

#### **L. Audits and Disallowances**

Appropriate District or Federal personnel may conduct fiscal and program audits of grantee/s either directly or by an independent auditor. The grantee/s may request an informal dispute resolution of any disallowance determination in accordance with the Mental Health Grant Guidelines. The grantee/s shall cooperate fully and promptly with any audit.

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<sup>5</sup> This timeframe may be extended if interviews are required.

## Attachment A Cover Page

Service Title: Intensive In-Home and Community Based Services (IHCBS)

Administering Agency/Organization: \_\_\_\_\_

Organization/Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agency Director/Phone Number: \_\_\_\_\_/( )\_\_\_\_\_

FAX ( )\_\_\_\_\_ e-mail \_\_\_\_\_

Program Contact/Phone Number: \_\_\_\_\_/( )\_\_\_\_\_

FAX ( )\_\_\_\_\_ e-mail \_\_\_\_\_

Fiscal Contact/Phone Number: \_\_\_\_\_/( )\_\_\_\_\_

FAX ( )\_\_\_\_\_ e-mail \_\_\_\_\_

Administering agency federal Tax Identification number: \_\_\_\_\_

**Attachment B****Provider Past and/or Current Performance Form**

1. Name of Organization: \_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Phone/Fax/E-Mail (\_\_\_\_) (\_\_\_\_) e-mail \_\_\_\_\_
4. Person Completing Document: \_\_\_\_\_
5. Relationship to Vendor/Organization i.e. contract monitor: \_\_\_\_\_  
\_\_\_\_\_
6. Briefly describe the services provided to your organization by this organization:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. During what period of time were these services provided?  
\_\_\_\_\_  
\_\_\_\_\_
8. Please describe the population served?  
\_\_\_\_\_  
\_\_\_\_\_
9. How many youth and/or families did this vendor serve?  
\_\_\_\_\_  
\_\_\_\_\_
10. How would you rate the overall performance by this vendor for the services provided?  
Excellent \_\_\_\_\_ Very Good \_\_\_\_\_ Average \_\_\_\_\_ Poor \_\_\_\_\_
11. How would you rate the quality of services provided?  
Excellent \_\_\_\_\_ Very Good \_\_\_\_\_ Average \_\_\_\_\_ Poor \_\_\_\_\_
12. Print Name: \_\_\_\_\_ Signature/Date: \_\_\_\_\_



**Attachment C**  
**Proposed Budget for IHCBS Services**

<b>Line Item</b>	<b>Grant Funds Requested</b>	<b>In-Kind Contributions (10% of requested grant)</b>	<b>Other Funds available for this project (specify source)</b>
Salaries and Benefits:			
Staff Training			
Transportation			
Office Supplies and Equipment			
Office Space			
Telephones and pagers			
Indirect/Administrative Costs (Maximum allowed is 15% of the grant amount)			
Other Expenses: Specify in Budget Justification			
Sub-Total Grant amount Requested			
Less 10% Match Requirement			
<b>TOTAL GRANT Amount Requested</b>			

**Budget Justification/Narrative:**

[illegible]

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF MENTAL HEALTH**#1- DMH Multisystemic Therapy Services**

The District of Columbia, Office of the Director of the Department of Mental Health (DMH), announces the availability of DMH grant funds from the United States Congressional Appropriation for Foster Care Improvements in the District of Columbia.

Qualified organizations are invited to submit applications for the following grant: **Multisystemic Therapy Services.** The Child and Family Services Agency (CFSA) and the District of Columbia Department of Mental Health (DMH) are partners in a joint effort to identify experienced providers currently providing the evidence based practice treatment service called Multisystemic Therapy (MST). DMH anticipates that, within the next three months, they will enter into joint cooperative agreements with an experienced MST provider who is currently licensed and possess the minimum qualifications outlined in this RFA to develop MST services in the District of Columbia. The Request of Applications (RFA) are currently available and may be picked up at the reception desk of the following office Monday through Friday between 9am and 4pm:

Department of Mental Health  
64 New York Avenue, NE  
Fourth Floor  
Washington, DC 20002

The deadline for submission of applications is 4:30 p.m. June 18, 2004. **Late or incomplete applications will not be forwarded for review.** Applications should be addressed to:

Evette Jackson, Project Manager  
DMH Foster Care Initiative  
Department of Mental Health  
202-724-7106  
[ejackson@cfssa-dc.org](mailto:ejackson@cfssa-dc.org)

**Questions regarding this Request for Applications should be submitted via e-mail to Evette Jackson at [ejackson@cfssa-dc.org](mailto:ejackson@cfssa-dc.org).**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF MENTAL HEALTH

## #02 Multisystemic Therapy Services

The District of Columbia, Office of the Director of the Department of Mental Health (DMH), announces the availability of DMH funds from the United States Congressional Appropriation for Foster Care Improvements in the District of Columbia from which grants will be issued.

Qualified organizations are invited to submit applications for the following Grant: **Multisystemic Therapy Services.** The Child and Family Services Agency (CFSA) and the District of Columbia Department of Mental Health (DMH) are partners in a joint effort to identify potential providers who can and have an interest in delivering the evidence based practice treatment service called Multisystemic Therapy (MST) to children, adolescents in foster care who meet the eligibility criteria. DMH anticipate that, within the next three months, they will enter into joint cooperative agreements with a local provider/s who possess specific qualifications outlined in this RFA and the potential to become a licensed MST provider in the District of Columbia. Request of Applications (RFA) are now available and may be picked up at the reception desk of the following office Monday through Friday between 9am and 4pm:

Department of Mental Health  
64 New York Avenue, NE  
Fourth Floor  
Washington, DC 20002

The deadline for submission of applications is 4:30 p.m. June 11, 2004. **Late or incomplete applications will not be forwarded for review.** Applications should be addressed to:

Evette Jackson, Project Manager  
Department of Mental Health  
Fourth Floor  
202-724-7106 or 202-671-0176  
ejackson@cfsa-dc.org

**D.C. Preparatory Academy  
P.O. Box 11513  
Washington, D.C. 20008**

**REQUEST FOR PROPOSALS**

**NOTICE: REQUEST FOR PROVIDING SECURITY EQUIPMENT AND MONITORING**

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, is soliciting quotes to provide security equipment and monitoring for its school building. Interested organizations should contact Emily Lawson, Executive Director, at 202-882-2800 x14 for more details about program requirements. Final proposals will be due by 5pm on June 11, 2003.

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**NOTICE: REQUEST FOR PROVIDING DEBT FINANCING**

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, is soliciting quotes to provide debt financing to enable the transformation of a warehouse into a school. Interested organizations should contact Emily Lawson, Executive Director, at 202-882-2800 x14 for more details about program requirements. Final proposals will be due by 5pm on June 11, 2003.

Office of the Secretary of the  
District of Columbia

April 30, 2004

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after June 1, 2004.

Ahmed, Tonya	Rpt	USDA/Risk Management 1400 Indep Ave, SW 20250
Amitay, Cheryl A.	Rpt	First Amer Title 1801 K St, NW 20006
Anderson, Donnie C.	Rpt	Horey Simon Arnold White 1299 Pa Ave, NW 20004
Apau, Abena D.	New	Wachovia Bank 1850 M St, NW 20036
Baker, David	New	Treasury Dept F C U 1300 Pa Ave, NW#C040 20229
Barnes, Carmen	New	Howard University 2300 6 <sup>th</sup> St, NW#1105 20059
Benedick, Donald T.	Rpt	1301 20 <sup>th</sup> St, NW#617 20036
Benefield, Stephanie	New	Law Office/Eric Sayles 2015 R St, NW3rdFl 20009
Berkowitz, Lois	New	3339 Legation St, NW 20015
Branham, Stacie S.	New	Halt, Inc. 1612 K St, NW 20006
Briggs, Lanieda	New	M A R Reporting Group 1717 K St, NW#600 20036

Brown, Laura L.	New	Palmer & Cay 1500 K St,NW#625 20005
Burleson, Lileen	Rpt	Arnold & Porter 555 12 <sup>th</sup> St,NW 20004
Butler, Shelley A.	Rpt	Buchanan Ingersoll 1776 K St,NW#800 20006
Carlson, Kristen A.	New	I T A 1750 K St,NW 20006
Carlucci, Dawn J.	Rpt	Pillsbury Winthrop 1133 Conn Ave,NW#1200 20036
Carver, Annette D.	Rpt	Samaritan Ministry 1516 Hamilton St,NW 20011
Carver, Cynthia	Rpt	Natl Mediation Board 1301 K St,NW#250E 20005
Castle, Phyllis J.	Rpt	E E O C 1801 L St,NW 20507
Colmenares, Luis R.	New	Mandarin Oriental Hotel 1330 Md Ave,SW 20024
Crider, Robert D.	New	AFL-CIO/Bldg & Const 815 16 <sup>th</sup> St,NW#600 20006
Cummins, Carol	New	4901 43 <sup>rd</sup> St,NW 20016
Elberry, Ashraf	Rpt	International Auto Center 916 Taylor St,NW 20011
Fairley, Kathryn A.	New	D.C. Board of Elections 441 4 <sup>th</sup> St,NW#250 20001
Flint, Melissa B.	New	SFRE Mnagement 1701 K St,NW4thF1 20006

Garcia, Karla D.	New	D.C. Board of Elections 441 4 <sup>th</sup> St,NW 20001
Gehle, Linda	New	CatholicCharities/Refugee 1501 Columbia Rd,NW 20009
Gettings, Christine	New	C T Corporation 1015 15 <sup>th</sup> St,NW#1000 20005
Green, Doris M.	Rpt	PCAOB 1666 K St,NW#800 20006
Hall, Nicole P.	New	Home Care Partners 1234Mass Ave,NW#C1002 20005
Harris, Rhonda	New	Assoc/Renewal in Educ 45 P St,NW 20001
Herndon, Arnebya	New	Patton Boggs 2550 M St,NW 20037
Hill, Shanan A.	New	Wachovia Bank 3200 Pa Ave,SE 20020
Holmes,Jr., George W.	Rpt	VMS Court Reporting 1117 Hamilton St,NE 20011
Hong, Chul	Rpt	D.C. Lottery Board 2101 MLK Ave,SE 20020
Horton, Peter M.	Rpt	Summit Business Center 1919 Conn Ave,NW 20009
Host, Amanda T.	Rpt	Peace Corps 1111 20 <sup>th</sup> St,NW 20526
Jenkins, Eric	New	The Columbia Company 1308 9 <sup>TH</sup> St,NW 20001
Johns, Sandra A.	New	Session Title Services 1150 Conn Ave,NW#900 20036



Johnson, Angela T.	New	Trizec 1250 Conn Ave, NW#500 20036
Johnson, Renee F.	Rpt	Ivins Phillips Barker 1700 Pa Ave, NW 20006
Kayne, Richard	New	H U D 451 7 <sup>th</sup> St, SW 20410
Khona, Kishan Ramesh	New	McCullough & Nicholas 1412 14 <sup>th</sup> St, NW#200 20005
Knudsen, Sara M.	Rpt	Tri-State Commercial 1150 18 <sup>th</sup> St, NW#575 20036
Lanier, Harry W.	New	1221 47 <sup>th</sup> Pl, NE#202 20019
Laws, Shannon R.	New	Avenue Settlement Corp 2401 Pa Ave, NW 20037
Lemnah, Adam T.	New	L A D Reporting Company 1100 Conn Ave, NW#850 20036
Little, Ronald S.	New	P C R M 5100 Wis Ave, NW 20007
Loeser, Christine L.	New	MAR Reporting Group 1717 K St, NW#600 20036
Lorenz, Elizabeth A.	Rpt	Charapp & Weiss 1901 Pa Ave, NW#1001 20006
McGruder-Jackson, Jean C.	New	Greenberg Traurig 800 Conn Ave, NW#500 20006
McIntyre, Karen	New	Kalbian Hagerty 2001 L St, NW#600 20036
McKay, Margaret S.	Rpt	International Resources 1211 Conn Ave, NW#700 20036

MacArthur, Michael K.	New	Wachovia Bank 5701 Conn Ave,NW 20015
Mack, Cornelia	New	4451 Ponds St,NE 20019
Martin, Janice V.	Rpt	Williams & Connolly 725 12 <sup>th</sup> St,NW 20005
Meas, Saphira	New	InteCap 1401 NY Ave,NW#1200 20005
Mize, Carol A.	New	Littler Mendelson 1225 I St,NW#1000 20005
Moche, Evelyne	New	Catholic Charities 1501 Columbia Rd,NW 20009
Moonshadow, Melissa	New	John Paul II Cultural Ctr 3900 Harewood Rd,NE 20017
Moore, Delonte L.	Rpt	611 Pa Ave,SE#163 20003
Moseley, Jane Berry	New	CT Corporation 1015 15 <sup>th</sup> St,NW#1000 20005
Mowery, Vanessa L.	New	Littler Mendelson 1225 I St,NW#1000 20005
Peppers, Annie D.	New	3981 Alabama Ave,SE 20020
Phillimore, Willard J.	New	Sorg & Associates 2000 S St,NW 20009
Pitts,Jr., Yancey	Rpt	14 Underwood St,NW 20012
Polyakova, Maria	New	Womble Carlyle et al 1402 I St,NW 20005

Pruitt, Elaine H.	Rpt	Silverberg Electric Co 2210 Channing St,NE 20018
Rodriguez, Rosa D.	New	Kriegsfeld Corporation 4301 Conn Ave,NW#132 20009
Rosales, Sinia	Rpt	Wash Hospital Center 110Irving St,NW#2A-32 20010
Rosenberg, Charles	New	Law Office/Margaret Kohn 1320 19 <sup>th</sup> St,NW#200 20036
Sizemore, Shirley A.	New	Patton Boggs 2550 M St,NW 20037
Smith, Gordon	New	Networth Financial Group 1930 18 <sup>th</sup> St,NW#4 20009
Smith, Nicole R.	Rpt	SonnenscheinNathRosenthal 1301 K St,NW#600ET 20005
Solnik, Bernard	New	Attorney at Law 5101 Wis Ave,NW#302 20016
Spinks, Jennifer M.	New	Palmer & Cay 1500 K St,NW#625 20005
Sumpter, Pamela R.	New	CitiBank 3917 Minn Ave,NE 20019
Vath, Bridget	New	Psychiatric Inst of Wash 4228 Wis Ave,NW 20016
Wade, Barbara J.	Rpt	Dickstein Shapiro et al 2101 L St,NW#800 20037
Walker, Hazel A.	Rpt	Arnold & Porter 555 12 <sup>th</sup> St,NW 20004
Waller, Gretchen B.	New	Heller Huron et al 1730 M St,NW#412 20036

Watson, Jennifer L.	New	TrialGraphix 1 ThomCircle,NW#701 20005
White, Barbara J.	New	Senbeb Health Food Store 5922 Ga Ave,NW 20011
Young, Julia S.	Rpt	DOI/National Park Service 1100 Ohio Dr, SW#206 20242

**Two Rivers Public Charter School  
Temporary Administrative Office  
622 6th Street, NE  
Washington, DC 20002  
Phone: 202-546-4477  
Fax: 408-790-0496**

**NOTICE: REQUEST FOR PROVIDING FOOD PREPARATION SERVICES**

Two Rivers Public Charter School, in accordance with section 2204(c)(IX) (A) of the District of Columbia School Reform Act of 1995, hereby solicits proposals to provide meals for breakfast (approximately 88 elementary school students) and lunch (approximately 165 elementary school students). The meals must meet or exceed federal nutrition requirements and all compliance standards of the USDA School Breakfast Program and the National School Lunch Program (NSLP). Vendors will be required to deliver meals to the school at 1150 5<sup>th</sup> Street, SE, Washington, DC 20003.

Interested bidders will state their credentials, provide appropriate licenses and sample menus made in accordance with federal nutritional and serving requirements. All proposals must include a cost estimate.

Additional information can be obtained by calling 202-234-7796 or e-mailing [wendy@goldstarnetwork.org](mailto:wendy@goldstarnetwork.org) and referencing Food Services. Full proposals are due at the above address by Friday, June 11, 2004 at 5 PM.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 16559-C of The Morris and Gwendolyn Cafritz Foundation/The Field School<sup>1</sup>** pursuant to 11 DCMR 3129, for the minor modification of the Board of Zoning Adjustment's prior approval to establish a private school under Section 206 for a maximum of 320 students and 74 faculty and staff in a R-1-A Zone District at premises 2301 Foxhall Road, N.W. (Square 1341, Lots 856, 861, 878, and 879).

**DECISION DATE:** January 28, 2003

**MODIFICATION ORDER**

**FINDINGS OF FACT**

**Prior History**

1. The Board granted the above referenced Application to establish a private school under Section 206 with an initial student enrollment of 260 students and 74 faculty and staff). The final date of the original order was December 19, 2000.
2. By Modification Order dated August 6, 2001, the Board granted two modifications of the original order which permitted: nine (9) school staff to use the existing building on the school property on an interim basis during construction of the project for regular school business and development use; and to allow the school to hold its monthly board meetings with approximately 20 persons on the property.
3. By Modification Order (16559-B) dated August 23, 2002, the Board granted an interim modification of Condition Nos. 13-24 of Order No. 16559. The Board approved an alternative transportation management plan that the applicant would follow while certain improvements to the Foxhall Road right-of-way, as required by BZA Order No. 16559, were completed. The approval of the alternative transportation management plan was to expire on January 31, 2003.

**The Current Request**

4. On December 30, 2002, The Field School ("School") filed a request for a minor modification of BZA Order No. 16559-B with the Board of Zoning Adjustment ("Board" or "BZA"). The minor modification requested approval of a one-month extension of the School's alternative transportation management plan that was approved in BZA Order No. 16559-B.

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<sup>1</sup> At the time of the initial application The Field School was the contract purchaser of the Subject Property. The Field School is the current owner of the Subject Property.

5. In its minor modification request, the School noted that the one-month extension was necessary to allow the District of Columbia Department of Transportation ("DDOT") and its contractors to complete the widening of the Foxhall Road right-of-way adjacent to the School property (Lots 856, 861, 878, and 879 in Square 1341) for the construction of a left turn lane and a traffic signal at the entrance to the School property.

**Compliance with BZA Order No. 16559**

6. By letter dated January 7, 2003, the Board requested the School provide information regarding its satisfaction of all conditions of BZA Order No. 16559 and 16559-B, as well as any additional information that the Board had previously requested. The Board afforded the parties to the case the opportunity to comment on the School's submission.
7. The School submitted the requested information on January 13, 2003. The School's reply addressed the 42 conditions that were set forth in BZA Order No. 16559 and the 11 conditions set forth in BZA Order No. 16559B.
8. According to the School, the status of compliance with conditions established by the BZA Order 16559 and BZA Order No. 16559B is as follows:
  - a. The School has constructed or will construct all building and facilities in accordance with the plans prepared by Kress Cox and filed in the record also Exhibit 12, as modified by Exhibits 446 and 464.
  - b. The number of students is within the 260-student limit and the number of vehicles during peak morning hours is below the 106 vehicle limit established by condition 18.
  - c. The number of faculty and staff is 62, which is below the maximum number permitted, 74.
  - d. The School has staggered its hours of operation between the Lower and Upper Schools, with the seventh and eighth graders starting at 8:00 a.m. and the ninth through twelfth graders starting no earlier than 8:20 a.m.
  - e. The School states that it is in compliance with conditions 5 through 11 of BZA Order No. 16559, which relate to the use of school property and the hours of operation for various activities.
  - f. Pursuant to BZA Order 16559 Condition 12, the School is required to permit the local residents to use the athletic field and tennis court and to walk on campus grounds when not being used for school purposes. However, until construction is complete, and as a safety precaution, the School has prohibited the public from being upon its grounds.

- g. As of January 13, 2003, traffic management was being conducted in accordance with the alternative traffic management plan approved by BZA Order No. 16559B, except the installation of two flashing beacon at the school entrance and signs notifying drivers that there is a traffic control signal at the school entrance on Foxhall Road. These are the responsibility of the District of Columbia.
- h. Pursuant to Conditions 25-29 of BZA Order No.16559B, the conditions relating to the parking lot size, set back, investigation of porous pavement technology with a groundwater recharge system, and a vegetative buffer have been fulfilled.
- i. The lighting requirements and restrictions established in Conditions 30-33 of the BZA Order No. 16559, which provide for the minimum light candle power, no exterior event lighting on the athletic field or tennis court, lights off at the southernmost parking lot by 9:00 p.m. and no lights on that parking lot on Saturdays and Sundays, except for special events, and consultation with owner of property at 2207 Foxhall Road, N.W., to refine the lighting plan, have been satisfied.
- j. Conditions No. 34-37 of BZA Order No 16559 relating to Construction Management, including implementation of the construction management plan filed in the record as Exhibit 469, meeting with adjoining property owners, ANC 3D and designated community organizations, and the establishment of a 24-hour hotline with a live or on-call operator to respond to objectionable and unsafe conditions, have been or are in the process of being met.
- k. Conditions 38-40 of BZA Order No. 16559 relating to Storm Water Management, which require coordination with the National Park Service on developing and implementing controls, and the design and construction of a storm water management system that is consistent with the drawing entitled "Preliminary Site Utility Plan", dated September 1999, as amended by BZA Order No. 16559B.
- l. The requirements for community outreach as established by Conditions 41-42 of BZA Order No.16559, requiring coordination with other schools in the area to address community issues and meeting with neighbors and community organizations, have been satisfied.



9. The Board finds that the applicant is in compliance with all conditions of BZA Order No. 16559

**Position of the Parties**

10. On January 15, 2003, the Board received a letter from residents of 44<sup>th</sup> Street near the School property that requested additional conditions, unrelated to the School's alternative transportation management plan, be adopted by the Board. These conditions included shutting down the air conditioning unit for the gymnasium until it can be operated with acceptable noise levels and the parking of school buses on the main parking lot or in front of the school instead of behind the gymnasium where they are parked above the fence level of neighboring properties.
11. On January 16, 2003, the Board received a response from the Neighbors Against Foxhall Gridlock that did not object to the requested one month extension of the alternative transportation management plan, but noted other issues related to the School's operations. The unrelated issues included objections to nighttime lighting, the failure of DDOT and PEPCO to remove and relocate all utilities along Foxhall Road, air conditioner noise, parking of buses, the amount of traffic, a desire to have make busing of students a permanent requirement, and the hours of construction work.
12. On January 22, the Board received a resolution from ANC 3D that noted the ANC's support for the minor modification request. The ANC also expressed concern that DDOT had not installed the two flashing beacons at the entrance of the school, and urged DDOT to do so.

**Request for Additional Information**

13. The Board, at its January 21, 2003 public meeting, requested that the School encourage DDOT to submit its construction management plan for the Foxhall Road improvements with the Board. The Board also asked that the School determine whether a one-month extension of the alternative transportation plan was sufficient to allow DDOT to complete its construction work in the Foxhall Road right-of-way, that the School hold an additional meeting with its neighbors and local community organizations (prior to the next regularly scheduled meeting in June 2003) to discuss the School's operations at the Foxhall Road campus, and that the School provide the Board with copies of the notice of the School's shuttle bus routes that was previously sent to affected ANC's.
14. The School provided the requested information on January 24, 2003 and noted that while DDOT's work was progressing, it would be prudent to have the period of approval of the School's alternative transportation management plan extended to March 31, 2003.

**Board Finding**

15. Based upon the record of this proceeding, the Board concludes that the extension of the period of approval for the School's alternative transportation management plan until March 31, 2003 fully satisfies the Zoning Regulations' standards of approval for private schools in the R-1-A Zone District.
16. Extending the period of approval of the School's alternative transportation management plan will not create any objectionable traffic impacts and will not create any unsafe vehicular or pedestrian traffic conditions along Foxhall Road while construction activity is occurring.

**CONCLUSIONS OF LAW AND OPINION:**

Pursuant to 11 DCMR § 3129.7, the Board may only approve a request for modification of approved plans if the modification is a minor modification that does not change the material facts the Board relied upon in approving the application. The modification that the School is seeking is an extension of time for the use of the School's alternative transportation management plan until March 31, 2003. Granting the extension will not change the material facts that the Board relied upon in approving the application. In granting the original application, the Board concluded that the proposed application was in harmony with the general purpose, intent and integrity of the Zoning Regulations and could be granted without substantial detriment to the public. The Board concludes that the continued approval of the temporary replacement of Condition Nos. 13-24 of Order No. 16559 with the modified alternative transportation management plan proposed by the School and supported by DDOT does not alter or affect that conclusion in any way. On April, 1, 2003, the original conditions of approval outlined in BZA Order No. 16559 was reinstated.

The Board is required under D.C. Official Code § 1-309.10(d)(3) to give great weight to the affected ANC's recommendation. The Board must "articulate why the particular ANC itself, given its vantage point, does – or does not – offer persuasive advice under the circumstances." *Kopff v. District of Columbia Alcoholic Beverage Control Bd.*, 381 A.2d 1372, 1384 (D.C. 1977) The Board notes ANC 3D's support of the minor modification request and its concern that DDOT had not installed the two flashing beacons at the entrance of the school. The Board cannot compel DDOT to make the installation and believes that approval is justified despite the DDOT decision.

The Board reviewed the submissions of the 44<sup>th</sup> Street residents and Neighbors Against Foxhall Gridlock submitted in this case and the Board finds those arguments to be not relevant to the School's request to extend the period of approval for the alternative transportation management plan.

For the reasons stated above, the Board concludes that the applicant has met the requisite burden, and it is hereby **ORDERED** that the minor modification request be **GRANTED** subject to the following **CONDITION**:

The period of approval for the School's alternative transportation management plan shall expire on March 31, 2003. Thereafter, the original conditions of approval outlined in BZA Order No. 16559 will govern the School's use of the property.

**VOTE:**       **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., David A. Zaidain, Anne M. Renshaw to approve, John G. Parsons to approve by proxy).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** **MAY 12 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION,

POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. JNS/RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Appeal No. 17034 of Advisory Neighborhood Commission 2E**, pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Zoning Administrator in the issuance of a final and binding ruling letter dated July 12, 2001, to the law firm of Shaw, Pittman, confirming the ability to develop three lots on the east side of the 1500 block of 32<sup>nd</sup> Street, N.W. with three row dwellings. The R-3 zoned subject property is located in the 1500 block of 32<sup>nd</sup> Street, N.W. (east side) (Square 1270, Lots 19, 20 and 21).

**HEARING DATE:** November 18, 2003

**DECISION DATES:** November 25, 2003, December 2, 2003

**ORDER**

**PRELIMINARY MATTERS**

On May 9, 2003, appellant Advisory Neighborhood Commission ("ANC") 2E ("Appellant") filed this appeal with the Board of Zoning Adjustment ("Board"), alleging error in a July 12, 2001 letter decision of the then-Zoning Administrator, Michael Johnson ("ZA"). The appeal claimed that the ZA had erred in interpreting section § 401.2 of the Zoning Regulations, (Title 11 of the District of Columbia Municipal Regulations ("DCMR")), thereby erroneously concluding that construction could proceed as a matter of right on the three lots which comprise the property subject to this appeal. The subject property is in an R-3 zone.

Appellant alleged 6 grounds for its appeal, all of which stem from the ZA's interpretation of §401.2 of the Zoning Regulations. Section 401.2 carves out an exception to § 401.3's minimum allowable lot area and lot width, but in order to fall under the exception, a property must meet several conditions. The ZA determined that the 3 lots here met those conditions and the Appellant disagrees. Specifically, the Appellant claims: (1) the lots were not unimproved on November 1, 1957, (2) the lots were in the same ownership as of the date of the ZA's letter, (3) none of the lots have the minimum necessary lot width, (4) the ZA has no authority to use the 2% discretion he is given by § 407.1 on top of the exception carved out by § 401.2, (5) the ZA did not make the requisite finding that the 2% deviation allowed would not impair the purpose of the otherwise applicable Zoning Regulations, and finally, (6) the lots do not comply with the standards set out in § 401.3, contrary to the ZA's general finding in his letter.

The Board held a public hearing on the appeal on November 18, 2003 at which the Appellant presented its case and the owners of two of the lots, (19 and 20), represented by the law firm of Shaw Pittman, defended the decision of the ZA. Neither the ZA, nor any representative of the Department of Consumer and Regulatory Affairs ("DCRA"), of which the ZA is a part, appeared at the hearing. The owner of the third lot (21) did not appear, although all three property owners were automatically parties to the proceeding, pursuant to 11 DCMR § 3199.1.

The Board held a public decision meeting on November 25, 2003. After lengthy deliberation, a Board member moved to grant the appeal, but the motion failed for lack of a majority, the vote

being 2-2-1, with one member abstaining. As one of the members voting against granting the appeal had not been present and had voted by absentee, the Chairman decided to hold a second decision meeting on December 2, 2003. The previously absent member was present at the second meeting, and, after a second deliberation, the Board voted 5-0-0 to grant the appeal.

For the reasons stated below, the Board finds that the exception to the minimum lot width requirement does not apply to these lots. As a result, the proposed development of three row houses may not proceed as a matter of right. Since the resolution of this one issue disposes of the appeal, it is unnecessary for the Board to address the other forwarded grounds.

### FINDINGS OF FACT

#### The Subject Property

1. The subject property is comprised of 3 adjacent lots, numbers 19, 20 and 21, fronting on 32<sup>nd</sup> Street, N.W. All 3 lots are within Square 1270 and are in an R-3 zone district.
2. Lot 19 is owned by Strategic Georgetown, LLC. Lot 20 is owned by Georgetown 32<sup>nd</sup> Street, LLC. Lot 21 is owned by Herbert S. and Patrice R. Miller, who previously owned all 3 lots, but sold lots 19 and 20 to their current owners on October 18, 2002.
3. The 3 lots are proposed to be developed with one single-family row dwelling per lot.
4. Section 401.3 of the Zoning Regulations establishes minimum lot dimensions within residence zones. Except as provided in §§ 401.1 and 401.2, all R-3 lots with row dwellings must contain at least 2,000 square feet of lot area.
5. Each lot consists of approximately 1,573 square feet of lot area.

#### History of the Subject Property

6. Historically, the 3 lots, as well as the others in the Square, were part of the land associated with the Bowie-Sevier Mansion, which is located within Square 1270, just northeast of the subject property, at 3124 Q Street, N.W.
7. As a result of a lawsuit brought by one of the heirs to the Bowie-Sevier property, the land associated with the mansion was subdivided in May 1881. Many new lots were created within what is now Square 1270, including lots 19, 20 and 21. Exhibit No. 17.
8. A June 26, 1919 survey plat from the District of Columbia Surveyor shows that the first 30 feet of lots 19, 20, and 21 was subdivided for the purpose of constructing garages. Exhibit No. 18, Attachment F.
9. Upon her death in 1953, the descendant of the Sevier family left the mansion and its grounds, including lots 19, 20 and 21, to the Episcopal Church Home of the Diocese of Washington ("Home"). The Home restored and converted the mansion for use as a home

- for the elderly and razed buildings along 32<sup>nd</sup> Street in order to construct a nursing wing there.
10. On July 5, 1956, groundbreaking occurred for the about-to-be-built nursing wing. Exhibit No. 23, Attachments 2 and 5.
  11. On September 26, 1956, a building permit was issued to the Home for an addition and alterations and repairs, presumably including the nursing wing. Exhibit No. 19, one of additional documents added after Attachment 10.
  12. Construction of the nursing wing actually began in October 1956. *See*, Exhibit No. 23, Attachment 2. It was built partially on lots 19, 20 and 21 at issue here. *See*, Exhibit No. 19, Attachment 8.
  13. In January 1957, a significant portion of the steel frame and brick façade of the nursing wing had been erected. Exhibit No. 23, Attachments 1 and 2.
  14. The plat and wall check of the D.C. Surveyor's Office dated April 17, 1957, clearly shows a building, presumably the nursing wing, on parts of lots 19, 20 and 21. Exhibit No. 22.
  15. On January 14, 1958, a Certificate of Occupancy was issued to the Home for a "Residence for the Aged with Convalescent Facilities" on lots, *inter alia*, 19, 20 and 21, in Square 1270. Exhibit No. 19, one of additional documents added after Attachment 10.
  16. In July 1997, the Millers purchased the Bowie-Sevier mansion and its grounds, including lots 19, 20, and 21, with the nursing wing located on them, for reconversion to residential use. Exhibit No. 19, Attachment 10.
  17. It appears from a letter sent by the Millers to their Georgetown neighbors that the nursing wing existed on parts of lots 19, 20 and 21 at least until February 1998. *Id.*

#### The ZA's Decision Letter

18. On July 12, 2001, the ZA, Michael Johnson, sent a letter to the Miller's attorney confirming that each of the lots could be developed as a matter of right, as conditioned in the letter. The "conditions" appear to be the requirements of § 401.2 of the Zoning Regulations. (The letter refers to an "Exhibit A" and an "Exhibit B," but neither is included in this record on appeal.) *See*, Exhibit No. 1, Attachment No. 1.
19. The ZA's letter interprets § 401.2 of the Zoning Regulations, which permits the erection of a structure on an undersized "unimproved lot in single ownership on November 1, 1957" if the lot "does not adjoin another unimproved lot in the same ownership" and if the "lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3."
20. The ZA's letter concludes that the subject property satisfies the conditions of § 401.2, and therefore matter of right construction of rowhouses could proceed despite the deficient lot

areas. With respect to compliance with the conditions of § 401.2, the letter specifically states: "[t]he lots **are** unimproved, and **were** in single ownership on November 1, 1957." (Emphasis added.)

21. The ZA decision makes no determination as to whether lots 19, 20, and 21 were unimproved on November 1, 1957.
22. The letter makes it clear that the ZA knew that as of July 12, 2001, the lots were under common ownership, but that at the time of development, it was anticipated that the lots would be owned by separate entities, to avoid the stricture in § 401.2 that two adjacent unimproved lots not be in the same ownership.
23. The ZA's letter applied the § 401.2 80% exception to the required minimum lot area of 2,000 square feet and determined that each lot of the subject property would need to be 1600 square feet in area to be developable as a matter of right under § 401.2.
24. The ZA then applied a 2% deviation to the area requirements of § 401.3 pursuant to § 407.1 so that a lot with an area of 1,568 square feet would be developable as a matter of right under the conditions set forth in § 401.2.
25. The ZA therefore determined that each of the 3 lots was ostensibly developable as a matter of right under § 401.2 as each, at approximately 1,573 square feet, was larger than the 1,568 minimum required.
26. The ZA's decision letter is addressed to Mr. John T. Epting of the law firm of Shaw Pittman and there is no indication that it was sent to anyone else. It was not publicly disseminated.
27. Through an e-mail from an unidentified neighbor, the Appellant found out about the decision letter in April, 2003. *See*, Hearing Transcript at 377. The appeal was filed on May 9, 2003, within the 60-day window for filing appeals with the Board. *See*, 11 DCMR § 3112.2.

### CONCLUSIONS OF LAW

#### Procedural Issues

Section 8(f) of the Zoning Act of 1938 provides that appeals to the Board may be taken by a person aggrieved or District agency affected by any decision of a District official in the administration and enforcement of the zoning regulations. D.C. Official Code § 6-641.07(f) (2001). The ZA's decision letter was a decision of a District official in the administration and enforcement of the zoning regulations. It explained the reasoning behind the ZA's decision and expressed his final determination as to the issues discussed in the letter. In order to be certain that the issues were ripe for appeal, OZ requested that the Appellant obtain a letter from DCRA confirming that the letter represents the ZA's final and binding decision with respect to the issues



presented. The Appellant filed such a letter with OZ on June 24, 2003. Exhibit No. 8. Therefore, the Board finds that the ZA's letter was a proper subject for appeal.

The Board also concludes that the appeal is timely. Pursuant to 11 DCMR § 3112.2(a), an appeal must be filed within 60 days from the date the appellant had notice or knowledge of, or should have had notice or knowledge of, the decision to be appealed. The ZA's decision letter is dated July 12, 2001. It is addressed to Mr. John Epting of the law firm of Shaw Pittman and there is no indication that it was sent to anyone else. Nor was it publicly disseminated.

In April, 2003, the Appellant found out about the decision letter through an e-mail from an unidentified neighbor. This was the earliest that the Appellant had, or should have had, notice or knowledge of the letter. The appeal was filed on May 9, 2003, within the 60-day window for filing appeals and is therefore timely.

#### Substantive Issues

The ZA's conclusion that the subject property could be developed as a matter of right is premised on the property being eligible for the exception to minimum lot area permitted by § 401.2 of the zoning regulations. This subsection states:

Except as provided in § 401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has a lot area or width of lot less than that specified in § 401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3; provided, that the structure shall comply with all other provisions of this title.

11 DCMR § 401.2. Under the § 401.2 exception, if a lot, which was both unimproved and in single ownership on November 1, 1957, and which today does not adjoin another unimproved lot in the same ownership, has a lot width or lot area which is at least 80% of the required minimum, it may be built on as a matter of right. All of the criteria of § 401.2 must be met in order for the exception to apply.

The ZA, in his decision letter, concluded that the § 401.2 exception applies to the subject property because "[t]he lots are unimproved, and were in single ownership on November 1, 1957." The Board, however, does not read the regulation to require that the lots be unimproved now, while requiring that they be in single ownership as of November 1, 1957. That is not what the regulation says. The Board concludes, as a simple matter of reading the language of § 401.2, that the subject property must have been both unimproved and in single ownership on November 1, 1957, in order to get the benefit of the exception. Reading § 401.2 as the ZA did would permit a lot owner with a too-small lot, whose lot was in single ownership on November 1, 1957, to demolish a structure on his lot, rendering it unimproved, and thereby eligible for the § 401.2 exception.

There was no dispute that lots 19, 20, and 21 were in single ownership on November 1, 1957. The Board concludes further that lots 19, 20, and 21 were not unimproved on November 1, 1957. There is ample evidence in the record showing that the nursing wing of the Episcopal Church Home of the Diocese of Washington existed on these lots on November 1, 1957. Construction of the nursing wing began in October 1956. A photograph from January 1957 shows that a significant portion of the steel frame and brick façade of the nursing wing had been erected. The April 1957 plat and wall check from the D.C. Surveyor clearly depicts a building straddling lots 19, 20, and 21. A Certificate of Occupancy for the nursing wing was issued on January 14, 1958.

Although there is no picture in the record depicting precisely how much of the nursing wing had been constructed by November 1, 1957, the Board concludes that even the amount of construction which existed on the subject property in January, 1957 suffices to make it "not unimproved." "Unimproved" is not defined in the zoning regulations, so the Board turns to Webster's Dictionary, as directed by § 199.2(g). Webster's defines "unimproved" with respect to land as follows: "not tilled, built upon, or otherwise improved for use: retained in the wild or natural state." *Webster's Third New International Dictionary of the English Language (Unabridged)*, 1961. On November 1, 1957, the subject property was "built upon" and was not "in the wild or natural state."

The Board disagrees with the property owners' argument that land is unimproved until a Certificate of Occupancy is issued for a structure on that land. Buildings, such as single-family dwellings, and structures, such as walls and fences, do not require a Certificate of Occupancy, and yet are improvements to land. The property owners' expert witness stated that the issuance of a Certificate of Occupancy "sanctions completion of the improvements on the lot." Exhibit No. 20, at 2. Clearly, the improvements existed on the lot before they were "completed." A partially constructed building, even one that would eventually require a Certificate of Occupancy, is an "improvement" to the land on which it is being constructed.

Section 401.2 is a grandfathering provision that afforded protection against the application of what were then new lot dimension rules in circumstances when no other protection was available. Under other provisions of the Zoning Regulations, the owner of an undersized lot was protected against the application of the rules with respect to any structure for which a building permit had been issued even if construction had not yet begun. But without § 401.2, the lot owner would not have been protected if his lot was vacant and no building permit had issued. Once the building permit was issued to the Home on September 26, 1956, whether or not a certificate of occupancy was issued before November 1, 1957 was irrelevant to the legitimacy of the building on these three lots. Thus, there is no reason to hinge the application of this rule on whether or not a C of O had been issued.

Because lots 19, 20, and 21 do not meet the minimum lot area requirement of 2000 square feet set forth in § 401.3, they can only be built on as a matter of right if they fall within the § 401.2 exception. The subject property, however, was not unimproved on November 1, 1957, and therefore is not eligible for the § 401.2 exception. The Board therefore concludes that the ZA

erred in determining that the subject property could be built on as a matter of right, pursuant to the exception set forth in § 401.2.

Appellant's other claims of error arise out of the ZA's interpretation and application of § 401.2. The Board has determined as a threshold issue that because the subject property was not unimproved on November 1, 1957, § 401.2 does not apply to it. Therefore, the Board does not need to reach these other claims of error.

For the reasons stated above, the Board concludes that the Appellant has met its burden of demonstrating that the ZA erred in determining that the subject property fell within the § 401.2 exception and was therefore developable as a matter of right. It is hereby **ORDERED** that this appeal is **GRANTED**.

**VOTE:****5-0-0**

(Ruthanne G. Miller, Curtis L. Etherly, Geoffrey H. Griffis, David A. Zaidain, and Anthony J. Hood, to grant appeal.)

**BY THE ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.**

Each concurring member has approved the issuance of this Decision and Order and authorized the undersigned to execute the Decision and Order on his or her behalf.

**FINAL DATE OF ORDER: MAY 12 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. LM/rsn

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17099 of The Most Worshipful Prince Hall Grand Lodge**, pursuant to 11 DCMR §3104.1, for a special exception under section 214 and subsection 2116.5, and pursuant to 11 DCMR §3103, for two variances from § 214, to permit open accessory parking spaces in an R-4 District at premises 1902-1906 Vermont Avenue, N.W. (Square 333, Lot 827).

Note: The Board amended the application to include special exception and variance relief under § 214. Upon the request of the parties, the Board also amended the application to remove lots 824 and 825 from consideration.

**HEARING DATE:** March 16, 2004  
**DECISION DATE:** March 23, 2004

**SUMMARY ORDER**

**PRELIMINARY MATTERS:**

Self Certification: The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2.

Notice of Public Hearing: The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register (51 D.C.R. 734, 50 D.C.R. 11063) and by mail to Advisory Neighborhood Commission ("ANC") 1B and to owners of property within 200 feet of the site.

ANC1B: The subject property of this application is located within the boundaries of ANC 1B, which is automatically a party to this application. ANC 1B submitted a written statement and attended the public hearing in support of the application, requesting the Board to approve the application referencing the Development and Interim Usage Agreement ("Agreement"), dated March 10, 2004, entered into by the Applicant, ANC 1B and the Westminster Neighborhood Association (identified below), and included in the record as Exhibit Nos. 34 and 43. The Agreement addresses a process and timeline for redevelopment of the subject property, and also establishes specific landscape, security, and maintenance requirements for the interim use of the subject property for accessory parking by the Applicant for a period of 36 months.

Request for Party Status: The Westminster Neighborhood Association ("WNA") requested to participate as a party in this proceeding. The Applicant had no objection to the request. WNA was granted party status by the Board. While WNA's original application for party status was filed in opposition to the application, WNA withdrew its

opposition and now supports the application based upon the execution of the Agreement. Consistent with the Agreement, WNA requests that the Board incorporate the Agreement into the Board's decision and order.

Report of the Office of Planning: The D.C. Office of Planning submitted a written report and testified in support of the application subject to the following conditions:

- A. Approval shall be for a period of three (3) years.
- B. The parking area shall be limited to Lot 827 with 20 parking spaces. Lots 824 and 825 shall be maintained as landscaped lots only.
- C. The parking lot shall be used by tenants of the Applicant's building and members of the lodge only; spaces may not be used for commercial purposes.
- D. The Applicant shall implement the landscaping plan as submitted. The parking lot shall be maintained and landscaped as specified in the Applicant's Development and Interim Usage Agreement with WNA and ANC 1B.
- E. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. Any lighting used to illuminate the parking lot or its accessory building shall be arranged so that all direct rays of lighting will be confined to the surface of the parking lot.
- G. All parking spaces shall meet code standards with respect to size and location as required by §§ 2115 and 2116 of the Zoning Regulations.

Report of the Department of Transportation: The D.C. Department of Transportation submitted a written report offering no objection to the application.

Agreements among the Parties: In addition to the Development and Interim Usage Agreement, the Applicant, ANC 1B, and WNA entered into a Planting Installation and Maintenance Agreement ("Planting Agreement"), included in the record as Exhibit No. 37. The Planting Agreement requires the Applicant to install and maintain a landscaping buffer in Lot 825 consistent with the original plans filed in Application No. 17099.

As directed by 11 DCMR §3119.2, the Board has required the Applicant to satisfy the burden of proving the elements necessary to establish the case for a special exception pursuant to §§ 3104.1, 214, and 2116.5, and for variance relief pursuant to § 3103.2 from §§ 214.3 and 214.4. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

Based upon the record before the Board, including the Agreement, and having given great weight to the ANC's report and the Office of Planning's report, the Board concludes that the Applicant has met the burden of proof and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **THREE (3) YEARS**.
2. Use Restrictions -- The interim use of Lot 827 as an accessory parking lot shall be subject to the following parameters:
  - a. The parking lot shall be limited to a maximum of 20 parking spaces, with a minimum of 2 spaces for handicapped parking, as shown in the drawings approved by the BZA in its approval of Application No. 17099;
  - b. All parking spaces shall meet applicable standards with respect to size and location as set forth in §§ 2115 and 2116 of the Zoning Regulations;
  - c. The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line; and

- d. The parking lot shall be reserved for the exclusive use of the Applicant, its members, and tenants of the Prince Hall Masonic Temple, and no spaces shall be used for any commercial purposes.
3. Landscaping -- During its interim use as a parking lot, the subject property shall comply with the following landscaping requirements:
  - a. A row of thickly planted evergreen hedges at least 12 inches thick and 42 inches high shall be planted and maintained along the east (except for the driveway) and south sides, and along the alley from 11<sup>th</sup> Street to and including along the locked gate on the north side of Lot 827. The hedges shall be planted so as to hide from view the chain link fence enclosing the parking lot. The hedges shall also be of sufficient thickness to effectively contain and screen any significant light from automobile headlights from shining outside the perimeter of the parking lot. The hedges shall be maintained so as not to grow above 50 inches high;
  - b. Landscaping with trees and shrubs shall cover a minimum of five percent of the total area of the subject property. The landscaping shall be purchased and planted within 90 days after March 23, 2004, (the date of the BZA's vote granting Application No. 17099). The Applicant shall solicit and consider the input of WNA and ANC 1B with respect to the landscaping materials to be chosen;
  - c. The Applicant shall retain the services of a qualified, reputable, professional, and licensed company for the purchase, installation, and continual maintenance of the landscaping. The retention of the landscaping professional shall occur within 60 days after March 23, 2004, (the date of the BZA's vote granting Application No. 17099). The landscaping chosen and planted shall be maintained in a healthy growing condition and in a neat and orderly appearance.
4. Maintenance -- During its interim use as a parking lot, the subject property shall comply with the following maintenance standards:

- a. All areas of the parking lot devoted to driveways, access lanes and parking areas shall be paved and maintained so as to form an all-weather impervious surface;
  - b. All parts of the parking lot and surrounding area shall be kept free of refuse and debris. This area shall include the sidewalks surrounding the parking lot and leading from the parking lot to the Prince Hall Masonic Temple, and that portion of the public alley abutting the parking lot;
  - c. The Applicant shall implement a written plan for trash and debris removal from the parking lot and surrounding area and provide a copy of same to WNA and ANC 1B within 30 days after March 23, 2004 (the date of the BZA's vote granting Application No. 17099). Such plan shall address removal of "bulk trash" that might be dumped on the subject property, the frequency of trash removal, and the collection of litter from the sidewalks immediately adjacent to the subject property;
  - d. At least one trash receptacle shall be installed in the parking lot for the use of those utilizing the parking lot and shall be emptied on a regular basis. Such receptacle(s) should be aesthetically consistent with the historic character of the neighborhood and shall be installed within 30 days after March 23, 2004, (the date of the BZA's vote granting Application No. 17099);
  - e. All snow shall be cleared from the sidewalks along the east and south sides of the parking lot within 8 hours after the snow stops falling. The Applicant shall retain the advance services of a snow removal company that, on a consistent and reliable basis, shall provide for the timely removal of snow from these sidewalks.
5. Security and Traffic Control – During its interim use as a parking lot, the subject property shall comply with the following security standards:
- a. The Applicant shall implement a written plan within 30 days after March 23, 2004, (the date of the BZA's vote granting Application No. 17099, for regular and periodic security monitoring of the parking lot;
  - b. All illumination of the parking lot shall be so configured to confine direct rays exclusively to the subject property;



- c. The Applicant shall remind its membership at least quarterly, through regular announcements, leaflets, and other means, that the subject property is located within a residential area and that users of the parking lot should keep horn-honking, other noise, including conversations at the parking lot, and use of headlights to a minimum;
- d. The Applicant shall encourage its membership at least quarterly, through regular announcements, leaflets, and other means, to utilize Metrorail or other public transportation to the Prince Hall Masonic Temple;
- e. The Applicant shall erect a sign to be seen upon exiting that informs users of the parking lot not to enter the parking lot from the northbound lanes of Vermont Avenue.

**VOTE: 5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. (by absentee vote), John A. Mann II, and John G. Parsons (by absentee vote) voting to approve the application with conditions)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this Summary Order and has authorized the undersigned to execute this Summary Order on his or her behalf.

**FINAL DATE OF ORDER: MAY - 3 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. MN/RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

Application No. 17147 of Bloom Builders, Inc., pursuant to 11 DCMR § 3103.2, for a variance to allow the renovation and reconfiguration of an existing building (formerly known as the Broad Branch Market) for continued use as a neighborhood market under subsection 2002.3, and pursuant to 11 DCMR § 3104.1, a special exception to establish a child development center (60 Children and 8 staff) under section 205, in the R-1-B District at premises 5608 Broad Branch Road, N.W. (Square 1997, Lot 78).

Note: The application was amended to remove requested variance relief from the rear yard requirements under section 404.

**HEARING DATE:** April 20, 2004  
**DECISION DATE:** May 4, 2004

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 3G, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP). The OP submitted a report in support of the application. The subject property is located within the jurisdiction of ANC 3G. ANC 3G submitted a letter in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions pursuant to 11 DCMR §§ 3104.1 and 205, and variances under 11 DCMR § 3103.2 from the strict application of the requirements of § 2002.3. No party appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the Office of Planning and ANC reports filed in this case, the Board concludes that the applicant has met

the burden of proof pursuant to 11 DCMR §§ 3104.1, for a special exception under section 205, that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board also concludes that the applicant has met its burden of proof under 11 DCMR §§ 3103.2 and 2002.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS**:

1. Approval of the Child Development Center (Center) use shall be for a period of **FIVE (5) YEARS**.
2. Center drop-off and pick-up periods shall be dispersed and shall not coincide with drop-off and pick-up times at Lafayette Elementary School, whose school hours begins at 8:45 a.m. and ends at 3:15 p.m.
3. Center staff shall assist the children to and from cars during peak drop-off and pick-up periods.
4. The rear of the entire subject property shall be fenced-in by a six feet high fence made of wood.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 4-0-1** (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller and Anthony J. Hood to approve, Curtis L. Etherly, Jr., not hearing the case, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member has approved the issuance of this Order.

**FINAL DATE OF ORDER: MAY 12 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY

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ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17151 of Peter G. Pappas and Patricia Georgilakis**, pursuant to 11 DCMR § 3101.4, for a special exception to continue to operate an existing 27 space parking lot (last approved by BZA Order No. 16212) under section 213, in the R-2 District at premises 4926 Wisconsin Avenue, N.W. (Square 1671, Lot 30).

**HEARING DATE:** April 20, 2004

**DECISION DATE:** April 20, 2004 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 213. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 213, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

MAY 28 2004

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITIONS**:

1. Approval shall be for a period of **SEVEN (7) YEARS**.
2. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 11:00 a.m. to 6:00 p.m. on Sunday.
3. The property shall be secured during all hours that it is not in operation.
4. Trash and debris on the property shall be picked up on a weekly basis.
5. There shall be no trash containers kept on the lot. Trash shall be disposed of by the business the parking lot serves.
6. The masonry wall surrounding the lot as well as the guardrail shall be maintained in good condition at all times. Graffiti shall be removed expeditiously.
7. The landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
8. The applicant shall post and maintain a sign giving information on whom to contact in the event of complaint or emergency.
9. The two substandard parking spaces located in the northern and western areas of the parking lot shall be posted with signs reserving them for compact cars.
10. Bumper stops shall be erected and maintained for the protection of all adjoining property lines on or over the public space.
11. No vehicle or any part thereof shall be permitted to project over any lot or building line on over the public space.
12. All areas devoted to driveways, access lanes, and parking areas shall be maintained with an all-weather impervious surface paving material. All potholes shall be repaired expeditiously.



13. No other use shall be conducted from or upon the premises.
14. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct lighting are confined to the surface of the parking lot.
15. The applicant shall maintain, through its designated representative, an ongoing liaison with Advisory Neighborhood Commission 3E and the property owners in the square to resolve any issues that might arise due to the operation of the parking lot.

**VOTE:**       **3-0-2**       (Geoffrey H. Griffis, Ruthanne G. Miller, Anthony J. Hood and John A. Mann III, and to approve, Curtis L. Etherly, Jr. not present, not voting)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** MAY - 3 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17152 of International Campaign for Tibet**, pursuant to 11 DCMR § 3104.1, for a special exception to waive the rear yard setback requirements under subsection 774.2, to allow an addition to an existing building in the DC/C-3-C District at premises 1825 Jefferson Place, N.W. (Square 139, Lot 30).

**HEARING DATE:** April 27, 2004  
**DECISION DATE:** May 4, 2004

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 774.2. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 774.2, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITION**:

1. The Applicant shall have flexibility to redesign the rooftop if necessary, provided that it conforms with the Zoning Regulations.

**VOTE:**        **3-0-2**        (Ruthanne G. Miller, John A. Mann II, and John G. Parsons to approve, Geoffrey H. Griffis and Curtis L. Etherly, Jr. not present, not voting)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** **MAY 12 2004**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS,

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PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17156 of CRP/MR 1414 22nd Street L.P.**, pursuant to 11 DCMR § 3103.2, for a variance from the recreational space requirements under section 773, to convert and renovate an existing six-story office building with underground parking into a 36 unit apartment house in the DC/C-2-A District at premises 1414 22<sup>nd</sup> Street, N.W. (Square 48, Lot 806).

Note: The application was amended at the time of the hearing from 44 to 36 units.

**HEARING DATE:** May 11, 2004  
**DECISION DATE:** May 11, 2004 (Bench Decision)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2B. ANC 2B submitted a letter in support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 773, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**       **3-0-2**       (Ruthanne G. Miller, John A. Mann, II, and Gregory Jeffries to approve, Geoffrey H. Griffis not hearing the case having recused himself and Curtis L. Etherly, Jr. not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member has approved the issuance of this order.

**FINAL DATE OF ORDER:** **MAY 12 2004**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL

COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 17157 of Kirsten Oldenburg**, pursuant to 11 DCMR§ 3104.1, for a special exception to allow a two-story rear addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 423 12<sup>th</sup> Street, S.E. (Square 992, Lot 62).

**HEARING DATE:** May 11, 2004

**DECISION DATE:** May 11, 2004 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B did not participate in the application. The Office of Planning (OP) submitted a report in support of the application. The Capitol Hill Restoration Society submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17157

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

**VOTE:**       **4-0-1**       (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller and Gregory Jeffries to approve, Curtis L. Etherly, Jr. not present, not voting)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** **MAY 12 2004**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

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BZA APPLICATION NO. 17157

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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